

Second Amendment to Interim Local Rules, Forms, and Court Procedures
Effective Date: October 3, 2003

Additional language to the rules, procedures and forms is in bold type. Language that has been deleted is lined through.

Modifications to Local Rules

Rule 1007-4 PROOF OF INCOME

Paragraph B. has been amended:

B. Documentary proof of income includes without limitation W-2 Wage & Tax Statements, Form 1099s, copies of state or federal tax returns, or debtor's pay statements and shall conform to the income reported by the debtor in the Statement of Affairs. Within fifteen (15) days before the first scheduled § 341 Meeting, the debtor shall deliver a copy of the proof of income to the case trustee or other § 341 Meeting presiding officer and file an affidavit in substantial conformity to Local Form No. 4 with the Clerk. The Proof of Income submitted to the trustee by self-employed debtors in Chapter 13 cases shall substantially conform to Local Form No. 28, Business Case Questionnaire.

Rule 9013-2 PROCEDURE FOR EXPEDITED HEARINGS

Paragraph A. has been amended to require the movant to file an order setting the hearing substantially conforming to a new local form that is discussed under the heading "Modification to Local Forms."

A. Filing of Motion: A motion for expedited hearing shall explain the necessity for an expedited hearing and shall state the substantive relief sought. A proposed order granting the relief requested must be filed as an attachment to the motion. A second proposed order **substantially conforming to Local Form No. 27** shall be filed as an attachment to the motion and shall provide that the request for expedited hearing is granted and shall contain blank spaces for the Court to enter the date, time, and place of hearing and the date by which objections must be filed and served.

Rule 9013-5 SCHEDULING HEARINGS

Paragraph C. has been amended:

C. If the moving party does not receive a response, then the moving party shall file with the Clerk a Certificate of No Objection substantially in compliance with Local Form No. 22. The certificate must be filed **within two (2) days** after the objection date ~~but no later~~

~~than 5 calendar days prior to the hearing~~ deadline has expired. If the Court grants the relief by default, the hearing is canceled.

Rule 9070-1 EXHIBITS

All exhibits, models, or diagrams, documentary or physical, introduced at a trial or hearing shall be withdrawn by the parties to the litigation or their counsel within ten calendar days after final judgment, order or other final disposition of the trial or hearing, whichever is later. If the exhibits, models, or diagrams are not removed within the ten day period, the Clerk shall destroy them or make such other disposition of them as the Clerk may deem appropriate. It shall be the responsibility of counsel to produce any and all exhibits as designated on appeal.

Note: Rule 9070-1 is a new rule.

Technical Amendments to Local Rules

The following rules have been modified to correct typographical and grammatical errors.

Rule 1001-2 E: General Orders, Electronic Case Filing Procedures, Appendices, Procedures Governing Mediation, the Court ~~Procedures~~ **Procedures** Manual and other procedures as added from time to time , are available on the Court's web site and must also be consulted and applied as appropriate.

Rule 1006-1 A. 1: Dismissal of Case: In accordance with Local Rule 1017-2, the Court shall immediately issue an order of dismissal in any case where an installment payment has not been received by the due date unless, prior to the entry of any such order of dismissal, the debtor files an application to extend the installment payment schedule or ~~requests requests~~ in writing a hearing to show cause why the case should not be dismissed.

Rule 2016-1 B: Application Required: No compensation or expenses will be allowed to any professional for any service rendered in any case unless (1) a motion to approve employment has been filed; (2) an order granting the motion has been entered prior to performing the services for which payment is requested; and (3) an application for fees and expenses is filed which provides the following:

1. ~~a~~ the date of the order appointing the professional with a copy thereof attached as an exhibit;

2. ~~b~~ a statement indicating whether the application is for final or interim compensation and expenses, the total amounts thereof, and the period covered;

3. ~~c~~ the dates and amounts of previous compensation requested and the amounts approved, if any, including any retainers paid, with copies of the orders approving the prior

payments attached as exhibits and, where applicable, a copy of the attorney disclosure statement which was filed pursuant to Fed.R.Bankr.P. 2016 ;

4. ~~d.~~ a list of all timekeepers included in the application including, but not limited to, the attorneys, paraprofessionals, or other professionals contributing services, number of years in practice, their billing rates, total hours, total dollars, and the blended hourly rate;

5. ~~e.~~ a chronological listing of time and services performed (Chronological Listing) or a listing of time and services by category of service arranged chronologically (Category Listing) shall be attached to the Application. Both a Chronological Listing and a Category Listing shall include the date, the professional or other timekeeper, a description of the service and the time involved;

6. ~~f.~~ an itemization of the expenses for which reimbursement is requested. Expenses shall be billed and allowed only at actual cost without overhead or add-ons;

7. ~~g.~~ a statement that the professional or other timekeeper is a disinterested person and does not represent or hold an interest adverse to the interest of the estate on the matter on which he was employed;

8. ~~h.~~ a history of the case in narrative form;

9. ~~i.~~ the application shall include a summary cover sheet. A fee application filed without a completed cover sheet will be dismissed without prejudice to **refiling** ~~efiling~~ in accordance with this Local Rule and other applicable provisions of law. The cover sheet shall conform substantially to Local Form No. 8;

10. ~~j.~~ a proposed order of court;

11. ~~k.~~ in complex Chapter 11 cases or when otherwise ordered, a spreadsheet shall be filed which reflects all fees that are requested pursuant to the application and a cumulative total for professional by category; and

12. ~~l.~~ when the Court enters an administrative fee order in a particular case, the terms of the order shall govern to the extent inconsistent with this Local Rule.

Rule 7037-1 A: A. Requirement of Writing: An objection to interrogatories, depositions, requests, or applications under Fed.R.Bankr.P. 7026 through 7037, ~~as well as all a motion and response concerning discovery matters, shall be filed and shall attach~~ **as well as all motions and responses concerning discovery matters, shall be filed and have attached** as an exhibit the specific portion of the interrogatories, depositions, requests or application or response thereto that is the subject of the objection.

Rule 9013-5 E: Initial hearings on ~~motions~~ **motions** shall be brief, not more than ten (10) minutes in any case. No testimony will be heard. If there is an issue of fact, a discovery schedule (if appropriate) and an evidentiary hearing will be fixed by the Court at the initial hearing. If there is no issue of fact, the Court may dispose of the matter at such hearing, or on briefs, or as the Court may determine. Matters which are settled after responses are filed shall be heard prior to other matters scheduled for the same time upon request of the parties at the hearing.

Amendment to Chapter 13 Procedures

Procedure #9, Service on Chapter 13 Trustee

Filers shall not serve the Chapter 13 trustee with a paper copy of any document filed with the Court including hearing notices. The Clerk sends an electronic file to the Chapter 13 trustee each day that contains documents filed in all cases in which the Chapter 13 trustee is a party. The Chapter 13 trustee does not receive e-mails of case activity by means of the Court's electronic filing system. Filing Users should disregard the statement on the Notice of Electronic Filing that implies that the Chapter 13 trustee will not receive electronic notification.

General Order 2000-2 regarding Proofs of Claims is still in effect. Any party who files a proof of claim in Chapter 13 cases shall file the signed, original proof of claim and one copy with the Clerk of the Bankruptcy Court. The Clerk will forward the copy to the Standing Chapter 13 Trustee for this district. In addition, any party who files a proof of claim shall serve a copy of the proof of claim upon the debtor's attorney (or on the debtor when not represented by counsel).

Note: Procedure # 9 is a new Chapter 13 Procedure.

Amendment to Local Forms

Local Form No. 1, Declaration Re: Electronic Filing of Petition, Schedules, & Statements

Part II of the form has been revised to include a signature line for the attorney.

Local Form No. 18, Motion to Avoid Liens

Paragraph 5 has been revised to state:

5. Liens not included in the above calculation (specify):

Local Form No. 20, Notice of Filing of Final Account of Trustee, of Hearing on Application for Compensation, Proposed Final Distribution and Proposed Abandonment of Property

The form has been modified to reflect that the Clerk, not movant serves the form. Other changes are: (1) the signature line for the Judge was deleted and the Clerk's name and address were included at the end of the form; (2) the date of issuance was removed from the form so that Clerk's staff do not have to modify the PDF file submitted by the trustee; (3) the objecting party is instructed to attend the hearing when an objection is filed; and (4) a statement is included that the hearing may be canceled by entry of a default order.

Local Form No. 27, Notice and Order Setting Hearing on an Expedited Basis

Local Form No. 27 is a new form. This form must be filed with the Motion for Expedited Hearing in accordance with Local Rule 9013-2.

Local Form No. 28, Chapter 13 Business Case Questionnaire

Local Form No. 28 is a new form. This form must be submitted to the Chapter 13 Trustee as the proof of income for self employed Chapter 13 debtors. Local Rule 1007-4 has been modified to require submission of the questionnaire to the trustee. This form should not be filed with the Clerk.

Please check the Court's Website at <http://www.pawb.uscourts.gov/plrules.htm> to view current copies of the forms.